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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,864	06/08/2001	Robert G. Johnston	1010.32.1	9229

7590 03/24/2005

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EXAMINER

VIG, NARESH


ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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 Office Action Summary	Application No.	Applicant(s)	
	09/876,864	JOHNSTON ET AL.	
	Examiner	Art Unit	
	Naresh Vig	3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows:

Applicant is claiming benefit of an earlier filed provisional application 60/209,459 which was filed on 06 June 2000 (Tuesday), whereas, this application was filed on 08 June 2001 (Friday) which is more than 1 year following the filing date of an earlier filed application. The priority date for this application will be 08 June 2001 which is the filing date of this application.

Specification

The abstract of the disclosure is objected to because:

Applicant recites "Software programs for use by general contractors are known in the art as, for example, is represented by U.S. Pat. No. 5,903,010 (1999) to Murdock, et al, entitled Method Of Describing A Building Structure" [0002]. US Patent number of Murdock et al. should be 5,983,010. Appropriate correction is required.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murdock et al. US Patent US 5,983,010 hereinafter known as Murdock in view of Rossberg et al. US Patent 5,341,469 hereinafter known as Rossberg.

Regarding claim 1, applicant recites "Software programs for use by general contractors are known in the art as, for example, is represented by U.S. Pat. No. 5,983,010 (1999) to Murdock, et al, entitled Method Of Describing A Building Structure" [0002]. Murdock teaches system and method for generation of roofing contract specification (field of use). Murdock teaches:

identifying a given roofing project;

Murdock does not teach presenting to a user a questionnaire comprising a plurality of questions related to a roofing related parameter relevant to said project. However, Rossberg teaches a structured text system for generating a finished project plans and specifications for constructing a building, the system including a master specification and standardized information embedded in other documents [abstract].

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Rossberg teaches presenting user a questionnaire comprising plurality of questions [Rossberg Fig. 10A – 10E and specification associated with the figures].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Murdock as taught by Rossberg to make the system user friendly by making the system an interactive system. For example, TurboTax program for preparation of tax return is an interactive system for producing tax return statements for users.

Murdock in view of Rossberg does not teach an Internet-based method of generation of contracts. However, Official notice it taken that it would have been obvious to one of ordinary skill in the art at the time the invention was made that business have utilized internet to provide worldwide access to their users. It would have been obvious to one of ordinary skill in the art at the time the invention was made that when a business provides access to their users over the internet, they can use the commonly available solutions like HTML, XML, hyperlinks etc. to design the user interface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Murdock in view of Rossberg and use internet for connectivity to make the system a multi-user system, and, provide worldwide access to their clients using the readily available communication network.

Murdock in view of Rossberg teaches:

identifying a given roofing project by geographical data sufficient to produce a geographical code for said project (business choice on how to group the questionnaire for generating the contract);

advising a plurality of decision support databases (DSDs) of said code to thereby block use of geographic code prohibited data by said DSDs (design choice, using a decision support system is old and known technology used by business, for example, medical diagnosis).

presenting to a user a questionnaire comprising a plurality of questions related to a roofing related parameter relevant to said project [Rossberg Fig. 10A – 10E and specification associated with the figures];

for each question of said questionnaire, providing a drop-down box including a linked data list including prospective answers to said roofing parameter to which a given question relates (design choice on how to present potential answers, for example by providing a list and using radio buttons, by providing a blank space and pull down box which for example is an interface used in communicating with internet explorer list of favorite items.

hyperlinking one or more elements of said data list to a corresponding one of said DSDs to thereby furnish additional question-related information to assist the user in answering a given question (design choice on what technology to use to going to the next question, a user may use if then else solution which can be done using a programming language, use hyperlink to use HTML technology etc.)

hyperlinking one or more of said DSDs to a searchable database of graphic details and diagrams relative to a given DSD supported question of said questionnaire (design choice to decide what information needs to be presented to the user).

during presentation of each question to said user, providing one or more pop-up windows to display one or more types of system intelligence selected from the categories of intelligence consisting of prompts, hints, warnings, suggestions, and combinations thereof questionnaire (design choice to decide what information needs to be presented to the user, and, how the information is presented to the user). For example, Microsoft uses pop-up to display the information about a running process when the user puts the mouse cursor on top of the running process Microsoft displays on the task bar at the bottom of the screen.

submitting said questionnaire, when completed, to a specification-generating program, for taking into account construction, safety and environmental codes applicable with said geographic code of Step (a) above, insurance and licensing requirements for contractors, local permitting procedure, roofing installation procedure, and general legal conditions (contract is generated).

Regarding claim 2, Murdock in view of Rossberg teaches providing a bid form for submission to prospective contractors, said form inclusive of bidder instructions relative to lump sum price and itemized costs of the project (the selection from a list of manufacturers who are identified as competent to be bid for a specific product).

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Regarding claim 3, as responded to earlier in response to claim 1, Murdock in view of Rossberg teaches geographic data as a U.S. Postal Zip Code to identify the zone (For example, DishNetwork uses ZipCode to identify the dish pointing information for the installer of the satellite dish).

Regarding claim 4, as responded to earlier in response to claim 1, Murdock in view of Rossberg teaches responsive to particular user responses to particular questions of said questionnaire, providing one or more pop-up windows within one or more of said system intelligence categories.

Regarding claim 5, as responded to earlier in response to claims 1 and 2, Murdock in view of Rossberg teaches selecting by the user of a product or manufacturer preference regarding one or more of each parameter of questionnaire answers.

Regarding claim 6, Murdock in view of Rossberg teaches providing at least one of contractual material unit pricing, type of metal/flashing to be employed, and type of sealant to be employed (design choice to decide on the content of the contract / document).

Regarding claim 7, as responded to earlier in response to claim 1, Murdock in view of Rossberg teaches The method as recited in claim 2 in which: in association with

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said Step (h), providing hyperlinks for submission of the specification and bid form to selectable area contractors.

Regarding claim 8, as responded to earlier in response to claim 2, Murdock in view of Rossberg teaches providing means for e-mailing said bid form, with specification, to prospective contractors within the users area (design choice to elect what mode of communication to use).

Regarding claim 9, as responded to earlier in response to claim 7, Murdock in view of Rossberg teaches providing hyperlinks to contractor websites to thereby enable a system user to obtain information relative to different area contractors prior to making a submission thereto (design choice to decide what page is the hyperlink referring to).

Regarding claim 10, as responded to earlier in response to claim 7, Murdock in view of Rossberg teaches providing hyperlinks to relative to evaluations of area specific contractors (design choice to decide what page is the hyperlink referring to).

Regarding claim 11, as responded to earlier in response to claim 2, Murdock in view of Rossberg teaches providing hyperlinks to geographic-specific area manufacturers and distributors of roofing products within categories recited in said specification (design choice to decide what page is the hyperlink referring to).

Conclusion

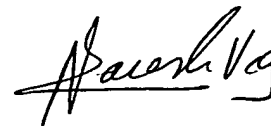
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

1. Lisinski et al. US Patent 5,260,866

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig
Patent Examiner
March 20, 2005